

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. CR-03-0023 MHP

HERMAN RESNICK,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING
CERTIFICATE OF
APPEALABILITY**


Petitioner seeks to appeal from this court's most recent order denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. section 2255. Petitioner is no stranger to this court and to criminal proceedings. His record is replete with pleas of guilty from which he has sought to withdraw, numerous habeas petitions and, in this case, an earlier attempt to correct his sentence.

The record in this case in no way supports petitioner's claims of ineffective assistance of counsel. The transcript of proceedings forecloses the particular claims he makes in this petition and his counsels' declarations support the actual record, not petitioner's post-hoc version of what occurred. Petitioner's assertions and arguments are specious and follow his well-honed pattern of buyer's remorse. They are without merit.

Accordingly, petitioner's notice of appeal is treated as an application for a certificate of appealability and for the foregoing reasons is DENIED.

IT IS SO ORDERED.

Date: May 29, 2008


MARILYN HALL PATEL
Judge
United States District Court
Northern District of California